

REMARKS

Reconsideration of the above-identified application in view of the remarks following is respectfully requested.

Claims 15-28 are in this case. Claims 20-27 have been withdrawn from consideration by the Examiner as drawn to a non-elected species. Claims 15-19 and 28 have been rejected under § 102(b) and/or § 103(a).

Interview Summary

Reference is made to a telephone interview conducted on June 26, 2007, between Examiner Glenn Dawson for the PTO and Applicant's representative. The interview related to the § 102(b) and § 103(a) rejections of independent claim 15 and dependent claim 28 over the Pavenik and Taheri references. No agreement was reached as to the allowability of any claim.

The Applicant presented to the Examiner the significance of the claimed structure by describing the deployment of the device as illustrated in Figures 9A-9D of the application. Specifically, it was pointed out that the predefined curved form of the closed loop of the present invention includes a first component of curvature which causes lateral turning relative to the feed direction of the catheter as illustrated in Figure 9C, thereby achieving the transverse deployment of the loop. In contrast, the loops of the Pavenik and Taheri references appear to be planar loops which are squashed within the delivery catheter and pushed out along the feed direction of the catheter. The loops have no curvature which would result in, or in any way contribute to, deployment of the loops perpendicular to the feed direction. Instead, in each case, an arrangement of draw strings is used to turn and align the loops in the desired orientation.

Regarding the language of claim 15, the Applicant pointed out language which the Applicant believes is sufficient to define the distinct structure and resulting functionality of the claimed device. Specifically, the application pointed out that claim 15 of record states: "*said closed loop being further configured so as to be elastically biased to a predefined curved form such that ... said biasing to a curved form results in deployment of said loop in a direction generally perpendicular to said feed direction.*" The Applicant submitted that no such curvature resulting in transverse deployment exists in either of the cited references, and that the rejections were therefore improper.

There followed a discussion about what structure could fall within the scope of the functional definition of the above-quoted language. In particular, the Examiner suggested that the statement that the elastic biasing to a predefined curved form "results" in perpendicular deployment might include a case where the elastic biasing opens the ring to its round form and some other feature, such as the draw strings of the cited references, effects the perpendicular deployment. The Applicant strongly maintains that the logical statement "A results in B" inherently requires that "A" is sufficient to cause "B" and excludes a case, such as in the cited references, where "A" (the predefined curved form) has no direct bearing or contribution to "B" (the perpendicular deployment). The Examiner suggested that these arguments be submitted in writing and said that he would give the matter careful reconsideration.

The Applicant also briefly pointed out that dependent claim 28 explicitly recites the two components of curvature of the loop of the present invention, and in particular, that the loop is "*at least partially curved as viewed along a direction perpendicular to said feed direction.*" The Applicant pointed out that there seems to

be no basis in the cited references for this rejection, given that the loops of both cited references are planar loops which are straight as viewed from the side.

The Examiner acknowledged that his rejections of record do not make explicit a basis for the rejection of this claim, and undertook to give this matter further consideration on filing of a written response.

The Applicant gratefully acknowledges the Examiner's helpfulness and generous allocation of time for this interview.

§ 102(b) & § 103(a) Rejections

The Examiner has rejected claims 15-17 and 28 under § 102(b) as being anticipated by Pavenik (US 5643317). The Examiner has also rejected claims 15-19 and 28 under § 102(b) as being anticipated by, or under § 103(a) as being unpatentable over, Taheri (US 6120524), alone or in combination with Pavenik. The Examiner's rejections are respectfully traversed.

As detailed above in the context of the telephone interview summary, both Pavenik and Taheri teach devices in which a planar loop is initially squashed within a delivery catheter and then released. The loop is subsequently turned by tension applied to draw strings to assume a final position perpendicular to the feed direction of the catheter. However, the elastic biasing of the loop in each case to a predefined circular form makes no direct or identifiable contribution to the perpendicular deployment.

In contrast, the present invention as currently claimed in independent claim 15 explicitly requires that the loop is "*elastically biased to a predefined curved form such that ... said biasing to a curved form results in deployment of said loop in a direction generally perpendicular to said feed direction,*" (emphasis added). Thus, it is explicitly recited that the biasing to a predefined curved form has a causative

relation to the perpendicular deployment, i.e., that the curvature is sufficient to cause the perpendicular deployment. The Applicant respectfully submits that no structure appearing in the cited references satisfies the recited limitation, and therefore believes that the Examiner's rejections of claim 15 under § 102(b) and § 103(a) are unjustified. Reconsideration of the rejections is respectfully solicited.

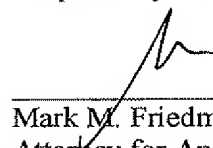
In the event that for any reason the Examiner does not find these arguments compelling, reconsideration is requested for dependent claim 28 for which no reasoned argument justifying the rejection has thus far been presented, as discussed above in the context of the interview summary.

Withdrawn Claims

In the event that the Examiner finds generic independent claim 15 to be allowable, the Examiner is respectfully requested to rejoin the dependent withdrawn claims 20-27 for consideration.

In view of the above arguments, it is respectfully submitted that independent claim 15, and hence also dependent claims 16-28, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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